

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM WALKER	:	
2606 Society Drive	:	CIVIL ACTION
Claymont, DE 19073	:	
	:	
and	:	NO.
	:	
YVETTE DICKENSON	:	
2606 Society Drive	:	
Claymont, DE 19073	:	
	:	
v.	:	
	:	
WILLIAM GURLEY	:	
1343 West Baltimore Pike	:	
Media, PA 19063	:	

COMPLAINT

1. Plaintiff, William Walker, is an adult individual and citizen of the State of Delaware residing at 2606 Society Drive, Claymont, DE 19703.
2. Plaintiff, Yvette Dickenson, is an adult individual and citizen of the State of Delaware residing at 2606 Society Drive, Claymont, DE 19703.
3. Defendant, William Gurley, is an adult individual and citizen of the Commonwealth of Pennsylvania who at all times relevant hereto resided at 1343 West Baltimore Pike, Media, PA 19063.
4. The jurisdiction of this Court is based upon diversity of citizenship of the parties and the amount in controversy is in excess of Seventy-Five (\$75,000.00) Dollars, exclusive of interest and costs.

5. On or about September 22, 2000, at approximately 8:15 p.m., Plaintiff, Yvette Dickenson, was operating her stopped motor vehicle in which Plaintiff, William Walker, was a passenger, southbound on Baltimore Pike at or near its intersection with Middletown Road, Delaware County, Pennsylvania.
6. On or about September 22, 2000, at approximately 8:15 p.m., Defendant, William Gurley, was operating his motor vehicle southbound on Baltimore Pike at or near its intersection with Middletown Road, when he caused his vehicle to strike another stopped vehicle pushing that vehicle into plaintiffs' vehicle from behind, causing severe and permanent injuries to plaintiffs, as set forth more fully below.
7. The accident and plaintiffs' injuries and damages were caused by the gross negligence, carelessness and negligence of Defendant, William Gurley, both generally and in the following particular respects:
 - (a) striking a stopped motor vehicle from behind;
 - (b) failing to operate his vehicle with due care and regard for the safety of others, including plaintiffs;
 - (c) failing to maintain a proper and adequate look out;
 - (d) driving at a speed greater than would permit defendant to bring his vehicle to a stop within the assured clear distance ahead a violation of 75 Pa. C.S.A. § 3361, and otherwise;
 - (e) failing to maintain proper control over his vehicle; and
 - (f) otherwise violating the Acts of the General Assembly of the Commonwealth of Pennsylvania concerning the operation of motor vehicles, including the Pennsylvania Motor Vehicle Code.

COUNT I
WILLIAM WALKER v. WILLIAM GURLEY

8. Plaintiff, William Walker, incorporates herein by reference paragraphs 1 through 7, inclusive, of this complaint as if fully set forth.
9. As a direct and proximate result of the gross negligence, carelessness and negligence of Defendant, William Gurley, Plaintiff, William Walker, suffered severe and disabling injuries to his nerves, muscles, tendons, blood vessels, bones and other tissues of the body, including, but not limited to, moderate disc bulges at L4-5 and L5-S1, extensive cervical spondylosis with central canal stenosis from C3-4 through C6-7, disc bulging at C3-4, C4-5 and C5-6, sleep disturbances, depression, anxiety and other emotional and physical injuries, the full extent of which are not yet known and some or all of which are permanent in nature.
10. As a direct and proximate result of the defendant's negligence, carelessness, gross negligence and recklessness, Plaintiff, William Walker, has in the past required and may in the future continue to require medical care and treatment and may in the future continue to incur the costs of medical care, treatment and rehabilitation in an attempt to alleviate and/or cure his conditions.
11. As a direct and proximate result of the defendant's negligence, carelessness, gross negligence and recklessness, Plaintiff, William Walker, has in the past suffered and will in the future continue to suffer great pain, mental anguish, humiliation, embarrassment, loss of well being, severe restrictions on his ability to engage in his normal activities and an inability to pursue and enjoy the normal and ordinary pleasures of life.
12. As a direct and proximate result of the defendant's negligence, carelessness, gross negligence and recklessness, Plaintiff, William Walker, has been prevented, and may in the future be

prevented, from performing his usual duties, occupations and avocations and has suffered and may in the future continue to suffer a loss of earnings and earning capacity.

WHEREFORE, Plaintiff, William Walker, claims of Defendant, William Gurley, a sum in excess of Seventy Five Thousand Dollars (\$75,000.00) in compensatory damages, exclusive of interest and costs.

COUNT II

YVETTE DICKENSON v. WILLIAM GURLEY

13. Plaintiff, Yvette Dickenson, incorporates herein by reference paragraphs 1 through 12, inclusive, of this complaint as if fully set forth.
14. As a direct and proximate result of the gross negligence, carelessness and negligence of Defendant, William Gurley, Plaintiff, Yvette Dickenson, suffered severe and disabling injuries to her nerves, muscles, tendons, blood vessels, bones and other tissues of the body, including, but not limited to, disc bulges at C2-3 and C5-6, right shoulder joint pain, sleep disturbances, depression, anxiety and other emotional and physical injuries, the full extent of which are not yet known and some or all of which are permanent in nature.
15. As a direct and proximate result of the defendant's negligence, carelessness, gross negligence and recklessness, Plaintiff, Yvette Dickenson, has in the past required and may in the future continue to require medical care and treatment and may in the future continue to incur the costs of medical care, treatment and rehabilitation in an attempt to alleviate and/or cure her conditions.

16. As a direct and proximate result of the defendant's negligence, carelessness, gross negligence and recklessness, Plaintiff, Yvette Dickenson, has in the past suffered and will in the future continue to suffer great pain, mental anguish, humiliation, embarrassment, loss of well being, severe restrictions on her ability to engage in her normal activities and an inability to pursue and enjoy the normal and ordinary pleasures of life.
17. As a direct and proximate result of the defendant's negligence, carelessness, gross negligence and recklessness, Plaintiff, Yvette Dickenson, has been prevented, and may in the future be prevented, from performing her usual duties, occupations and avocations and has suffered and may in the future continue to suffer a loss of earnings and earning capacity.

WHEREFORE, Plaintiff, Yvette Dickenson, claims of Defendant, William Gurley, a sum in excess of Seventy Five Thousand Dollars (\$75,000.00) in compensatory damages, exclusive of interest and costs.

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BY: _____

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